

## REMARKS

Claims 1-44 are pending in the current application with claims 33-36 and 38-44 being examined as directed to the elected invention and the remaining claims being directed to non-elected inventions. Claim 33 has been amended to clarify the claimed invention.

In response to the § 102 rejection, applicants respectfully submit that the claimed invention is distinguishable over Sesser 4,676,438. Independent claim 33 has been amended to clarify the position of the plurality of stationery troughs. Amended claim 33 requires that the troughs be positioned at least partially above the surface of the ground and at least partially within the paths for receiving water from the drop tube assemblies. Each trough is a structure which is defined relative to the ground. To construe that the trough includes the ground would improperly define the trough relative to itself.

Sesser 4,676,438 clearly does not disclose such troughs. Sesser discloses furrows which are dug into the ground by a plow. These furrows do not define any structure which is positioned at least partially above the surface of the ground. They are merely part of the ground itself. Sesser '438 does not disclose any structure whatsoever which is similar to the claimed troughs. Sesser '438 actually teaches away from any structure between the assembly and the ground. His assembly is used to irrigate the ground directly to limit water loss due to evaporation (Col. 1, lines 45-53). Sesser thus teaches away from any structure at least partially above the ground to receive the water. For this reason, claim 33 is not anticipated or obvious in view of Sesser '438.

In regard to the § 103 rejection, the elected claims are also respectfully believed to be patentable over the alleged combination of Sesser '438 and Stoddart 632,795 because the

references are not properly combinable in the absence of the teaching supplied by applicant's specification.

First, nothing suggests the combination of Sesser '438 and Stoddart '795. As previously noted above, Sesser '438 fails to suggest any structure on top of the ground such as the claimed troughs.

Nothing in Stoddart '795 teaches or suggests the alleged combination either. Stoddart '795 discloses a distributor for liquids. The purpose of Stoddart's distributor is to "distribute liquids in fine streams of drops, and is especially applicable for delivering liquids onto filter-beds." (Col. 1, lines 9-12). Stoddart's distributor is in the nature of a chemist tool to control the stream size of the liquid delivery over the filter beds. Stoddart mentions nothing whatsoever about placing the distributor at least partially above the surface of the ground or in any manner whatsoever relative to the ground. Moreover, Stoddart does not disclose using his distributor for agricultural irrigation in any way.

Another reason that Sesser '438 and Stoddart '795 are not combinable is apparent by how Stoddart's distributor works to deliver liquids onto the filter beds. In Stoddart, the liquid flows over the sides of the distributor and along these sides to the bottom pegs b. Any liquid exits the distributor only by overflowing the distributor with liquid. The pegs b are closed at their bottom edges and do not provide any outlet for liquid flow. The pegs are merely used so that the liquid flows along the outside of the pegs and utilizes surface tension to create fine streams of liquid. This is described in column 1, lines 21-24. As a result, the liquids are only distributed from Stoddart's distributor by overflowing the vessel a.

One would not be motivated to use Stoddart's distributor in the furrow irrigation

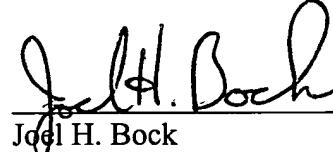
system of Sesser. Stoddart and Sesser teach purposes which are opposed to one another. If Stoddart's distributor were placed in Sesser's irrigation system, it would only irrigate the crops if enough liquid was deposited to overflow the top of the distributor. All liquid remaining in the distributor would fail to irrigate anything and would be subject to evaporation and wind drift. This is not an efficient use of water. The placement of Stoddart's distributor in Sesser's irrigation system therefore causes undue water loss due to evaporation and wind drift for all water left in the distributor. This is contrary to the water conservation purposes touted by Sesser's irrigation system. (Column 1, lines 35-42). For this reason, one skilled in the art would not be motivated to combine these references without applicant's teachings. Claim 33 therefore should be allowed.

In addition, certain dependent claims are believed to be allowable for independent basis. In particular, claim 34 and those claims which depend on this claim are distinguishable because Stoddart's distributor does not disclose a plurality of underground drains. As noted above, Stoddart's pegs are closed at the bottom end. These pegs do not allow water to pass through the distributor. Liquid exits the distributor only by overflowing from its top edges. Thus, Stoddart lacks any drain whatsoever and claim 34 should also be allowed.

Claims 41 and 44 are also distinguishable over Stoddart's distributor. Stoddart does not disclose a weir or dam mounted within its distributor. The ends of Stoddart's distributor do not define a weir mounted within the trough. In fact, any structure mounted within Stoddart's distributor would create an uneven liquid distribution which is contrary to what Stoddart teaches. Therefore, claims 41 and 44 are further believed to be separately distinguishable.

Claims 33-36 and 38-44 are believed to be distinguishable over the cited references. Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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